

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

SHAUNI TURNMEYER-COOK,

Plaintiff,

v.

WINNEBAGO INDUSTRIES, INC.

Defendant.

Case No. 3:16-cv-03088

NOTICE OF REMOVAL

COMES NOW Defendant Winnebago Industries, Inc. and gives notice of removal of this action from the Iowa District Court for Winnebago County and states as follows:

1. On or about July 20, 2016, Plaintiff Shauni Turnmeyer-Cook filed a Petition against Defendant Winnebago Industries, Inc. ("Winnebago") in the Iowa District Court for Winnebago County, LACV017716.
2. Winnebago was served with this lawsuit on July 26, 2016.
3. This Notice of Removal is filed within 30 days of service of the Petition and is therefore timely under 28 U.S.C. § 1446(b).
4. Pursuant to 28 U.S.C. § 1446(a) and LR 81(a)(1), copies of all process, pleadings and orders filed in the state court action are attached to the LR 81 statement and marked as Exhibit A.
5. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is served on Plaintiff's counsel Erin Patrick Lyons, Dutton, Braun, Staack & Hellman PLC and is also being filed with the Iowa District Court for Winnebago County.

6. No further or other proceedings have been filed in the Iowa District Court for Winnebago County relating to this action that will require resolution by this Court as of the date of the filing of this Notice of Removal.

7. This action may be properly removed pursuant to 28 U.S.C. § 1441(a) based on federal question jurisdiction under 28 U.S.C. §1331 because Plaintiff asserts a claim under the Americans with Disabilities Act.

8. The Court has supplemental jurisdiction over the Iowa Civil Rights Act and wrongful termination claims asserted by Plaintiff pursuant to 28 U.S.C. §1367.

9. Venue for Notice of Removal is proper in this Court because the Iowa District Court for Winnebago County is located within the district and division of this Court.

WHEREFORE, Winnebago Industries, Inc. prays that this matter be removed to the United States District Court for the Northern District of Iowa.



Deborah M. Tharnish AT0007858
Jo Ellen Whitney
Davis Brown Law Firm
215 10th Street, Suite 1300
Des Moines, IA 50309
Telephone: 515-288-2500
Email: DebTharnish@davisbrownlaw.com
JoEllenWhitney@davisbrownlaw.com
ATTORNEYS FOR DEFENDANT
WINNEBAGO INDUSTRIES, INC.

Copy to:

Erin Patrick Lyons
Dutton, Braun, Staack & Hellman, PLC
3151 Brockway Road
P.O. Box 810
Waterloo, IA 50704
Telephone: 319-234-4471
Email: lyonse@wloolaw.com
ATTORNEY FOR PLAINTIFF

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on August 11, 2016 by:

- | | |
|--|---|
| <input type="checkbox"/> U.S. Mail | <input type="checkbox"/> FAX |
| <input type="checkbox"/> Hand Delivered | <input type="checkbox"/> Overnight Courier |
| <input type="checkbox"/> Federal Express | <input checked="" type="checkbox"/> Other: CM/ECF |

Debs Thainish

Signature: _____